

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
TWENTY-FIRST JUDICIAL CIRCUIT  
STATE OF MISSOURI**

<b>STATE OF MISSOURI, ex rel.</b>	)	
<b>Attorney General Chris Koster,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. 14SL-CC04310</b>
	)	
<b>VILLAGE OF BELLERIVE ACRES,</b>	)	<b>Hon. Ellen Levy Siwak</b>
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**VOLUNTARY DISMISSAL OF TWO DEFENDANTS**

Pursuant to Mo. Sup. Ct. R. 67.02(a), the State of Missouri voluntarily dismisses its pending claims against the defendant cities of Moline Acres and Normandy<sup>1</sup> for the reasons stated below.

Missouri law requires each municipality to submit a Comprehensive Annual Financial Report (CAFR) to the state auditor within six months of the end of its fiscal year. § 105.145 RSMo (2014 Supp.) The so-called “Macks Creek Law” requires that each municipality include in its CAFR a calculation of the percentage of its annual general operating revenue derived from fines and court costs for traffic violations. § 302.341.2 (2014 Supp.) If more than

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<sup>1</sup> The only remaining defendant in this case is the Village of Hillsdale, whose motion to dismiss is set for argument on May 15, 2015.

30% of a municipality's annual general operating revenue was derived from traffic-related fines and court costs, the municipality is required to remit the excess to the director of revenue. *Id.*

In order for the Macks Creek Law to be an effective deterrent against abusive traffic-ticketing, all municipalities must comply with their reporting obligations so the state auditor can verify that they have not exceeded Macks Creek's statutory threshold. To that end, the State initiated this action on December 18, 2014, identifying 13 St. Louis County municipalities in violation of the reporting requirements of § 302.341.2, either because they failed to calculate their Macks Creek percentage when they filed their CAFRs, or because they failed to file their CAFRs altogether.

The State filed an Amended Petition on January 22, 2015, identifying four more municipalities in St. Louis County that failed to comply with Macks Creek's reporting requirements when their comprehensive annual financial reports came due on December 31, 2014. By that time, six of the original 13 defendant municipalities had brought themselves into compliance with their Macks Creek reporting obligations and were dropped from the Amended Petition.<sup>2</sup>

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<sup>2</sup> The village of Pasadena Park and the cities of Beverley Hills, Breckenridge Hills, and Pagedale submitted their overdue CAFRs, including their Macks Creek calculations, to the state auditor for review. The city of Crystal Lake Park and the village of Mackenzie amended their previously

On March 24, the State voluntarily dismissed its claims against another eight municipal defendants that had brought themselves into compliance with their reporting obligations since the Amended Petition was filed.<sup>3</sup> As of this filing, two more defendant municipalities have submitted complete Macks Creek calculations to the state auditor for review:

1. The City of Moline Acres, having previously included an incomplete Macks Creek calculation in its FY2014 CAFR, is now in compliance with the reporting requirements of § 302.341.2 and is therefore dismissed from this action.
2. The City of Normandy, having previously included an incomplete Macks Creek calculation in its FY2013 CAFR, is now in compliance with the reporting requirements of § 302.341.2 for FY2013 and FY2014 and is therefore dismissed from this action.<sup>4</sup>

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submitted CAFRs, representing to the state auditor that none of their annual general operating revenue is derived from traffic-related fines and costs.

<sup>3</sup> The city of Kinloch and the villages of Hanley Hills and Uplands Park submitted their overdue CAFRs, including their Macks Creek calculations, to the state auditor for review. Velda City and the villages of Bellerive Acres, Calverton Park, Velda Village Hills, and Vinita Terrace amended their previously submitted CAFRs to include their Macks Creek calculations.

<sup>4</sup> The City of Normandy also filed its CAFR for FY2014 before the March 31, 2015 deadline.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9th day of April 2015, the foregoing was filed on the Court's ECF system, which has delivered electronic notice of this filing to Mr. Alan Baker and copies also sent by electronic mail or U.S. mail, postage prepaid, to the following:

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